



# Thompson Wigdor & Gilly LLP

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February 16, 2010

**VIA ECF**

Honorable Sandra J. Feuerstein  
United States District Court  
Eastern District of New York  
290 Federal Plaza  
Central Islip, New York 11722

Re: *Carter, et al. v. Incorporated Village of Ocean Beach, et al.*  
No. 07 Civ. 1215 (SJF) (ETB)

Dear Judge Feuerstein:

We represent Plaintiffs in the above-referenced matter and respectfully write in response to the Village Defendants' recent letter to the Court on February 12, 2010.

Although we are unclear as to the purpose of the Village Defendants' letter, the fact that Plaintiffs withdrew certain causes of action and dismissed certain Defendants in no way renders such claims frivolous. Indeed, it is routine for attorneys prior to trial to narrow the issues and the scope of the trial to assist the Court and the finder of fact.

Moreover, it is ironic that the Village Defendants are attempting to criticize Plaintiffs before the Court for their decision to withdraw the claims against Joseph Loeffler and Natalie Rogers. Subsequent to their letter of June 24, 2009 to Plaintiffs, the Village Defendants – which included Mr. Loeffler and Ms. Rogers, in their official and individual capacities – served offers of judgment on Plaintiffs. Including attorneys' fees, the Village Defendants' total offer to Plaintiffs was close to \$1,000,000.

While we believe that the Village Defendants' premature announcement of their intention to move for Rule 11 sanctions is entirely meritless, Plaintiffs will respond to the Village Defendants' accusations at the appropriate time.

We thank the Court for its time.

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Sincerely,



Douglas H. Wigdor

cc: Kenneth Novikoff, Esq. (via ECF)  
Arlene Zwilling, Esq. (via ECF)  
Kevin W. Connolly, Esq. (via ECF)